

**The Kentucky Board of Licensure and Certification for Dietitians and Nutritionists**  
**May 25, 2011**  
**10:00 a.m.**

A regular meeting of the Kentucky Board of Licensure and Certification for Dietitians and Nutritionists was conducted on Wednesday, May 25, 2011, at the Office of Occupations and Professions, 911 Leawood Drive, Frankfort, Kentucky 40601.

**Members Present**

Carolyn Breeding, Chairperson  
Jane K. Faith, Secretary  
Leona Gilliam  
Jean Harney Jones  
Ava H. Eaves

**Occupations and Professions**

Karen Lockett, Board Administrator  
Shannon L. Tivitt, Executive Director

**Members Absent**

Mara Beth Womack  
Dr. Sandra Bastin

**Others in Attendance**

Jim Grawe, Board Counsel  
Clarissa Pape – UK Intern

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**Call to Order**

Carolyn Breeding, Chair called the meeting to order at 10:05 a.m.

**Approval of Minutes**

Ms. Faith made a motion to approve the March 23, 2011 minutes with amendments. Ms. Jones seconded the motion. Motion carried.

**Approval of Financial Statement**

Ms. Gilliam made a motion to accept the Financial Statement as submitted. Ms. Eaves seconded the motion. Motion carried.

**Board Chair Report**

No report

**Executive Director's Report**

Ms. Tivitt informed the board that Occupations & Professions will be reorganized. Ms. Tivitt stated that changes at Occupations & Professions could be as soon as a couple of weeks.

Ms. Tivitt also informed the board that Mr. David Garr will be taking a job in the Department of Finance.

Ms. Tivitt introduced Mr. Jeremy Horton as the new Deputy Executive Director replacing Mr. David Garr.

Ms. Tivitt informed the board that she is making sure that the minutes and travel is correct with all boards. Financial statements are coming from State operations.

Ms. Tivitt stated that the FY12 state budget allotment will be the same as for FY11. Ms. Tivitt asked the board members to contact her anytime if there were any concerns.

Ms. Tivitt informed the board that all vendors have been asked to take a 5% reduction and in 2012 a 1.5 % will be asked from all vendors.

**Deputy Executive Director**

No Report

**Complaint Committee Report**

The Board discussed needing another member for the Complaint Committee. Ms. Gilliam made a motion for Ms. Jean Jones to sit on the Complaint Committee. Ms. Faith seconded the motion. Motion carried.

**Board Counsel Report**

An e-mail from Renee Waggoner regarding clarification on what the RD's ability to write TPN orders, with physician approval, was reviewed and discussed. The Board Counsel responded to Ms. Waggoner that the Board had discussed the e-mail correspondence Ms. Waggoner submitted on February 11, 2011. The conclusion of the Board is that whether a licensee may take verbal orders is not covered under the Statute or Regulations. The letter from Mr. West stated that this issue should be addressed as a facility policy and procedure or as part of the facility by-laws.

The Board discussed the use of the term "Certified Nutritionist" by an unlicensed person listed as a staff member on a business web-site. Board Counsel informed Mr. and Ms. Arellano that it has come to the attention of the Board that they are holding themselves out as Certified Nutritionists on the website, [www.bodyofstone.com](http://www.bodyofstone.com). Mr. West stated that reviewing the board's records it indicated that they are not certified as such within the Commonwealth. Pursuant to KRS 310.070(1), one shall not use the title "Certified Nutritionist" or other words implying that they are a nutritionist unless that person is certified by this Board.

The Board received information from Morgan Ransdell from the Office of the Attorney General regarding Department of Justice Guidance for Licensure Boards and OAG Attorneys that represent licensure boards. In summary, the Civil Rights Division of the U.S. Department of Justice recently settled a civil rights case in which DOJ asserted that a private cosmetology school violated Title III of the ADA when it denied admission to an applicant with HIV/AIDS. In conjunction with the settlement of this action, the Civil Right Division issued the attached technical guidance and requested that each Attorney General in the country take any necessary steps to eliminate any policies or procedures that preclude or interfere with the ability of persons with HIV/AIDS to obtain occupational training and licensure

The Board received a Memorandum from Mr. Ryan Halloran regarding Annual Ethics Training Conducted by the Executive Branch Ethics Commission Personnel for Members of the Executive Branch Boards and Commissions. Mr. Halloran stated that beginning in July of 2011, at the Governor's request, personnel of the Executive Branch Ethics Commission will offer training to Executive Branch boards and commissions on the requirements placed on board members by Executive Order 2008-454, paragraphs 6, 7, 8 and 9, and Executive Order 2009-882. The Memorandum stated that it was the opinion of the Attorney General that the boards and their administrators should take this training, therefore they encouraged the boards to schedule the training.

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**Review Committee Report**

The Review Committee submitted an appeal of Ms. April Stone's request of approval of a Continuing Education training. Ms. April Stone was requesting 6 hours of continuing education for attending the "HIPAA Compliance after the HITECH Act." The Board and Review committee made a motion to deny the training on basis that the training was not nutrition related.

**New Business**

The Board discussed new board member vacancies – No action taken

Ms. Breeding, Board Chair informed the Board that she will not be able to attend the July 25, 2011 board meeting. The board voted for Ms. Ava Eaves to conduct the meeting if Ms. Jane Faith, Secretary had been replaced due to her term expiration at that time.

**Old Business**

The Board reviewed, discussed and revised all renewal forms.

**Continuing Education Reviews & Approval**

Ms. Gilliam made a motion that the following continuing education program(s) and hours be **approved** as specified below:

- Davita Dialysis – Dietitian Connection Meeting – Approved
- Fresenius Medical Care North America – Coronary Artery Disease - Approved
- Fresenius Medical Care North America – Acute Kidney Failure – Approved
- University of Kentucky – Appalachian Health summit – Approved
- Murray Calloway Co. Hospital – Stroke Seminar – Approved
- Cross Country Education - Denied
- KY Health Literacy Coalition – 2<sup>nd</sup> Annual KY Health Literacy summit – Denied
- Ms. Faith seconded the motion. Motion carried.

**Applications for licensure**

Ms. Gilliam made a motion for the **approval** of applications as specified below:

- Marie Ann Aungst – Approved
- Justin Alan Barthel – Approved
- Gina M. Bogart – Approved
- Ashley Jo Cappel – Approved
- Carrie E. Clayton – Approved
- Lori Marie Estep – Approved
- Danita Hines – Approved
- Julie Ann Mason – Approved
- Kristina A. Vilgle - Approved

Ms. Faith seconded the motion. Motion carried.

**Reinstatement Reviews & Approvals**

No Report

## **Minutes**

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### **Approval of Travel/Per Diem**

Ms. Faith made a motion to approve travel and per diem for this Board meeting. Ms. Jones seconded the motion. Motion carried.

### **Next Scheduled Meeting**

- **Complaint Committee - July 25, 2011 @ 9:30 a.m.**
- **Regular Board Meeting - July 25, 2011 @ 10:00 a.m.**

### **Adjournment**

Ms. Faith made a motion to adjourn the meeting at 11:15 a.m. Ms. Jones seconded the motion. Motion carried.

### **Board Meeting Date:**

July 27, 2011

September 28, 2011

November 16, 2011

Approved:

Carolyn Breeding, Board Chair

Minutes Prepared by Karen Lockett, Board Administrator

May 25, 2011